IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

WP(C).No. 21819 of 2007(V)

PETITIONER:

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1. PREETHA E.P., AGED 37 YEARS,
   W/O. M.T.RAJAGOPALAN, UPPER PRIMARY SCHOOL
   ASSISTANT, AZHIKODE HIGH SCHOOL, P.O. AZHIKODE,
   KANNUR DISTRICT.

2. REJANA PUTHALATH, AGED 36 YEARS,
   W/O. K.PHALGUNAN, UPPER PRIMARY SCHOOL ASSISTANT,
   AZHIKODE HIGH SCHOOL, P.O. AZHIKODE,KANNUR DIST.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:

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1. THE STATE OF KERALA,
   REPRESENTED BY THE PRINCIPAL SECRETARY TO
   GOVERNMENT, GENERAL EDUCATION DEPARTMENT,
   SECRETARIATE, TRIVANDRUM.

2. THE DIRECTOR OF PUBLIC INSTRUCTION,
   JAGATHY, TRIVANDRUM-14.

3. THE DEPUTY DIRECTOR OF EDUCATION,
   KANNUR P.O., KANNUR-2.

4. THE DISTRICT EDUCATIONAL OFFICER,
   KANNUR P.O., KANNUR-2.

5. THE MANAGER,
   AZHIKODE HIGH SCHOOL, P.O. AZHIKODE, KANNUR DIST.

6. SMT.K. SANDHYA,
   HIGH SCHOOL ASSISTANT (UNAPPROVED),
   AZHIKODE HIGH SCHOOL, P.O. AZHIKODE, KANNUR DIST.

7. SRI. T.M.RAJESH KUMAR,
   HIGH SCHOOL ASSISTANT (UNAPPROVED),
   AZHIKODE HIGH SCHOOL, P.O. AZHIKODE,
   KANNUR DISTRICT.

BY GOVT.PLEADER SRI.A.J.VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. Basheer, J.

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W.P(C) No.21819 of 2007

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Dated this the17th day of July, 2007.

J U D G M E N T

The limited prayer in this writ petition, which is at the instance of two Upper Primary School Assistants working in the school under the management of respondent No.5 is only to direct respondent No.4 to take a decision on Exts.P2 and P6(a) appeals expeditiously.

2. In the nature of the order that I propose to pass, I do not deem it necessary to issue notice to respondents 5 to 7 at this stage.

3. It is the contention of the petitioners that respondent No.5, the Manager, had overlooked the claim of the petitioners while promoting respondents 6 and 7. This issue has to be necessarily considered by respondent No.4 in the appeal. In my view, interest of respondents 6 and 7 can be taken care of if an appropriate direction is issued to respondent No.4 in this regard.

4. Therefore the writ petition is disposed of with a direction to respondent No.4 to consider and pass orders on Exts.P2 and P6(a) appeals preferred by the petitioners, strictly on their merit and in accordance with law, as expeditiously as possible, at any rate within one month from the date of receipt of a copy of this judgment. Needless to mention, respondent No.4 shall afford sufficient opportunity of hearing to the petitioners, Manager (respondent No.5) as well as respondents 6 and 7 before any decision is taken in the matter.

5. Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before respondent No.4 for compliance.

Copies of the above documents shall also be forwarded by the petitioners to respondents 5 to 7 by registered post within 7 days from the date of receipt of a copy of this judgment, for information. Respondent No.4 may ensure that a decision on Exts.P2 and P6(a) is taken before considering the request for approval of appointment of respondents 6 and 7.

A.K. Basheer

Judge.

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